

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

KEITH HERNANDEZ, §  
Plaintiff, §  
§  
vs. § CIVIL ACTION NO. 2:13-CV-134-J  
§ (Jury Trial Demanded)  
BNSF RAILWAY COMPANY, §  
Defendant. §

**DEFENDANT BNSF RAILWAY COMPANY'S  
MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE COURT:

Defendant BNSF Railway Company ("BNSF") files this Motion for Summary Judgment and respectfully shows this Court as follows:

**I.**

The matters required by Local Rule 56.3 to be set forth in a motion for summary judgment will be set forth in BNSF's Brief in Support of its Motion for Summary Judgment.

WHEREFORE, PREMISES CONSIDERED, Defendant BNSF Railway Company prays that its motion for summary judgment be granted and that Defendant be granted such other and further relief to which it is justly entitled.

Respectfully submitted this 18<sup>th</sup> day of February, 2014.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT  
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#### VI. CERTIFICATE OF SERVICE

I hereby certify that on the February 18, 2014, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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